

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4116/P1dn  
RCT:kjf:rs

February 17, 2012

Lindsey Brabender:

I want to provide some background on the Stage II Vapor Recovery program for gas stations (vapor recovery) to help interested persons understand why this proposal is drafted differently than the proposed language.

On July 15, 2011, the Environmental Protection Agency (EPA) published a proposed regulation in the Federal Register that would waive the requirements that states impose vapor recovery requirements effective June 30, 2013. This regulation has not yet become law. EPA expects that the final rule will be published in June of 2012. It is important to note that the proposed regulation requires a state to submit and receive EPA approval of changes to the state implementation plan (SIP) under the federal Clean Air Act before the state may terminate its vapor recovery requirements.

It would be inconsistent with federal law for a state to terminate its vapor recovery requirements before the federal regulation becomes law or before EPA approves changes to the state's SIP.

It is also important to realize that we have a current statute, s. 285.31, for the vapor recovery program. Any legislation to eliminate this program must deal with the current statute.

Please let me know if you have any questions or redraft instructions. If no changes are wanted, please let me know and I will draft an analysis and put the draft into introducible form.

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